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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/490,377 | 01/24/2000 | Shailendra K. Mishra | ORCL5585 | 7079 |
| 22430 | 7590 | 11/04/2003 | EXAMINER | |
| YOUNG LAW FIRM A PROFESSIONAL CORPORATION 4370 ALPINE ROAD SUITE 106 PORTOLA VALLEY, CA 94028 | | | DINH, KHANH Q | |
| | | ART UNIT | | PAPER NUMBER |
| | | 2155 | | 5 |

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

P26

| | | |
|------------------------------|-----------------|---------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/490,377 | MISHRA ET AL. |
| Examiner | Art Unit | |
| Khanh Dinh | 2155 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 August 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-42 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the Amendment filed on 8/19/2003. Claims 1-42 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10, 12-24 and 26-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Natarajan et al, U.S. pat. No.6,539,427.

As to claim 1, Natarajan discloses a computer-implemented method of asynchronously notifying an application client (user 202 fig.2) of an event of interest within a database (data store of fig.2), comprising the steps of:

receiving a subscription to an event name from a logical agent, the event name corresponding to the event of interest within the database (using data store 252 of fig.2 to be implemented as a database including network information and reporting the conditions of network elements in the network using notifications, see abstract, fig.2, col.6 line 43 to col. 7 line 65 and col.13 line 8 to col.14 line 63).

receiving a registration from the application client (202 fig.2), the registration including delivery information indicating at least where, how a notification concerning the event is to be delivered and detecting an occurrence of the event within the database (detecting the error by network elements, see col.7 line 66 to col.8 line 55).

publishing the notification to a data structure referenced by the event name upon detecting the occurrence of the event (using event server fig.2) and retrieving the delivery information and formatting the published notification according to the retrieved delivery information (see col.9 lines 6-65 and col.10 lines 9-61).

asynchronously delivering the formatted notification to the application client over a network (see col.13 line 8 to col.14 line 64).

As to claim 2, Natarajan discloses detecting step is carried out by a trigger (using the policy engine 254 fig.2 triggering to perform its applications) within the database, the trigger firing upon the occurrence of the event (see col.13 line 23 to col.14 line 56).

As to claim 3, Natarajan discloses that the delivery information includes an identification of a communication protocol according to which the formatted notification is to be sent (using protocol specific rules, see col.13 line 23 to col.14 line 56).

As to claims 4 and 5, Natarajan discloses the subscription including a rule that must be satisfied for the notification to be published and database access language statements (each policy containing a specific set of rules, see col.13 line 23 to col.14 line 56).

As to claim 6, Natarajan discloses the data structure includes a queue, the queue being stored as a table in the database (see col.8 lines 17-55).

As to claim 7, Natarajan discloses that if the retrieving step is carried out by an event monitor, the event monitor communicating with the database through a shared memory space (see col.10 line to col.11 line 34).

As to claim 8, Natarajan discloses the delivery information including indicia of a quality of service specified by the application client, the quality of service indicia indicating whether the notification must be delivered to the application client (see col.10 line to col.11 line 34).

As to claim 9, Natarajan discloses a temporarily undeliverable notification may be dropped if the indicia indicates that an unreliable quality of service is specified and wherein the temporarily undeliverable notification must be stored if the indicia indicates that a reliable quality of service is specified (see col.10 line to col.11 line 34 and col.14 lines 11-64).

As to claim 10, Natarajan discloses the data structure including a persistent queue when the indicia indicates that a reliable quality of service is specified, the persistent queue persisting beyond an instance of the database and wherein the data structure includes a non-persistent queue when the indicia indicates that an unreliable quality of service is specified (see col.10 line to col.11 line 34 and col.13 line 8 to col.14 line 63).

As to claim 12, Natarajan discloses the application client is remote from the database and separated therefrom by a network and wherein the delivering step delivers the formatted notification to the remote application client over the network (see col.10 line to col.11 line 34 and col.13 line 8 to col.14 line 63).

As to claim 13, Natarajan discloses the network includes at least one the Internet, a private network, a public network and a hybrid network (see col.1 line 59 to col.2 line 13 and col.5 lines 14-64).

As to claim 14, Natarajan discloses the event of interest including one of a data event and a system event, the data event signaling a change of interest to the application client in a data resident in the database and the system event signaling a change of interest to the application client within the computerized system storing the database network (see col.10 line to col.11 line 34 and col.13 line 8 to col.14 line 63).

Claims 15-24 and 26-28 are rejected for the same reasons set forth in claims 1-10 and 12-14 respectively.

Claim 29 is rejected for the same reasons set forth in claims 1. As to the added limitations, Natarajan discloses at least one processor (252C fig.5B), one storage device (276A fig.2) and a plurality of processes spawned by the processor (see col.23 line 9 to col.24 line 67).

Claims 30-38 and 40-42 are rejected for the same reasons set forth in claims 2-10 and 12-14 respectively.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 11, 25 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan et al US pat. No.6,539,427 in view of Hemphill et al., US pat. No.6,167,448.

Natarajan's teachings still applied as in item 3 above. Natarajan does not specifically disclose formatting the message according to a protocol selected from a group including Hop, http, smtp, ftp, net8 or OFX. However, Hemphill discloses formatting the message according to a protocol selected from a group including Hop, http, smtp, ftp, net8 or OFX (converting management data into a form that can be used in the Internet technology, see abstract, col.3 line 16 to col.4 line 57).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Hemphill teachings in to the computer system of Natarajan to process data information in the network because it would have provided a flexible and powerful way to notify a management device and/or a system administrator of the management event.

Response to Arguments

6. Applicant's arguments filed on 8/19/2003 have been fully considered but they are not persuasive.

a. Applicant asserts that the cited reference does not disclose the step of "asynchronously notifying an application client of an event of interest within a database".

In response to applicant's arguments, the recitation "asynchronously notifying an application client of an event of interest within a database" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

b. Applicant further asserts that the cited reference does not disclose notifications concerning an event of interest within a database and detecting an occurrence event of the event within the database.

Examiner respectfully disagrees. Natarajan discloses reporting network error by network elements (including services, interfaces, applications and protocols, etc) and network conditions to the database (data store 252 fig.2) and to an event handler (274A) for handling event notifications/registrations (see col.7 line 21 to col.7 line 55 and col10 lines 9-61) as rejected above.

Conclusion

7. Claims 1-42 are rejected.
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam Hosain, can be reached on (703) 308-6662. The fax phone numbers for this group is (703) 872-9306.

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to response within the period for response will cause the application to become abandoned (35 U. S. C . Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

Khanh Dinh
Patent Examiner
Art Unit 215 5
10/31/2003


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER